APPENDIX G:

Public Comments on the 2006 Integrated Report and LDEQ's Response to Comments

The following table is a compilation of all comments received regarding the 2006 Integrated Report, along with LDEQ's response to those comments. Any changes made to the 2006 Integrated Report based on public comments are noted in the column entitled, "Summary of LDEQ Responses."

Commentators	Date Received	Summary of Comments/Questions	Summary of LDEQ Responses
Gulf Restoration Network (GRN)	10/27/2006	1. GRN requests that CALM (Consolidated Assessment and Listing Methodology) Integrated Report Category (IRC) 5 water bodies be placed in a separate addendum from the full Integrated Report (IR).	1. As with the 2004 Integrated Report (IR), the IRC 5 water bodies comprising the 303(d) list portion of the IR will be placed in a separate appendix as an aid to the public. However, because the draft 2006 IR was provided in an Excel format, it is an easy matter to perform an Excel sort on the full IR spreadsheet. This can be done by sorting by the "IR Category for Suspected Causes" column, then looking for the isolated IRC 5 water bodies. As a result of this capability, LDEQ did not feel it was necessary to separate these from the remainder of the IR water bodies for public notice purposes. Keeping all water bodies (regardless of IRC) in the same spreadsheet also maintains the integrity and concept of the IR.
		2. GRN requests a notation in the Integrated Report as to whether EPA or LDEQ developed a TMDL for a given water body.	2. EPA's Assessment Database (ADB), which is used by LDEQ to record all assessment information, does not have a feature to capture which agency developed a given TMDL. It does have a feature for tracking TMDLs that have been completed and approved. However, other than through the use of IRC 4a (TMDL completed), this feature has not been fully utilized by LDEQ due to time constraints. It is hoped that following completion of the 2006 IR, LDEQ will be able to fully populate the TMDL tracking features of the ADB. As noted in the 2004 IR response to comments, the current format for the 2006 IR is already straining capabilities for including all pertinent information on one, easy to read, document. Therefore, LDEQ cannot make the requested change at this time. It is possible to locate all TMDLs, both draft and final, using the LDEQ TMDL web site at: http://www.deq.louisiana.gov/portal/tabid/130/Default.aspx. Specifically, LDEQ TMDLs can be found at: http://www.deq.louisiana.gov/portal/default.aspx?tabid=1563 and EPA TMDLs can be found at:

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Gulf Restoration Network (GRN) (Continued)			http://www.epa.gov/earth1r6/6wq/npdes/tmdl/index.htm.
		3. GRN disagrees with Louisiana's use of the "25% rule" when assessing water bodies for fecal coliform impairments.	3. As noted in the 2004 IR response to comments, no changes to the bacteria assessments developed for the 2006 Louisiana IR will be made, because LDEQ developed and knows the intent of its regulations. In addition there is legal precedence supporting LDEQ's ability to interpret its own regulations. Even though U. S. EPA does not list this method in its guidance, it does not mean that the method is 'unacceptable' or 'not scientifically sound.' In addition, U.S. EPA approved LDEQ's bacteria criteria at the time of promulgation. LDEQ, according to its regulations and resources, continuously strives to establish the best possible sampling scheme and assessment methods in order to make precise and accurate assessments and to ensure the protection of the surface waters of the state. LDEQ is currently in the process of finalizing its Triennial Revisions of Louisiana's water quality standards. No changes to the fecal coliform criteria were made during this round of revisions.
		4. GRN requests that the Mississippi River be listed in IR Category 5 in order to agree with Mississippi State's listing for nutrients, organic nutrients/DO, pesticides, and sedimentation/siltation. Further, GRN requests development of a nutrient TMDL to address the hypoxic zone in the Gulf of Mexico.	4. As noted in the 2004 IR response to comments, LDEQ does not have data or assessment results to support such a listing for the Mississippi River (Louisiana subsegments 070101 and 070201) and will not add these four impairments to the subsegments. With regard to low DO, given the size and flow of the Mississippi River it is virtually impossible for low DO to be a problem. With regard to nutrients, while it may be true that the river is carrying a relatively high load of nutrients, it is also true that the nutrients are not impacting the river itself. This is evident from the lack of low DO or algal problems. In addition, it is these same nutrients, when placed in South Louisiana wetlands, which are necessary for the development of much needed new wetlands in the area. With regard to pesticides, while U.S. Geological Survey data has shown springtime spikes for pesticides due to spring runoff from fields in the Midwest, their information also showed that these pesticides rarely exceed drinking water criteria, and are effectively removed during water treatment. In addition, LDEQ conducted a three-year study of Mississippi River fishes and found there was no need for a fish consumption advisory due to pesticides or any other chemical. Finally, with regard to sedimentation, given the high flow of the river it is virtually impossible for sedimentation to occur anywhere within the river channel. Sedimentation may occur

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Gulf Restoration Network (GRN) (Continued)			outside of the channel following spring floods, however, this form of sedimentation is essential to the natural development of wetlands both inside the levees and outside the levees in South Louisiana. A single nutrient TMDL developed by Louisiana would not solve the problem of hypoxia in the Gulf of Mexico. The Mississippi River must be addressed in a consolidated TMDL that considers all sources within the entire drainage basin. That type of TMDL must be developed by a coalition of States and EPA regions associated with those States that contribute to the loading.
		5. GRN noted that IR categories are missing for water bodies fully supporting their designated uses.	5. Under EPA guidance water bodies fully supporting all their designated uses are considered as IRC 1. While IRC 2-5 can be reported in the ADB system for individual suspected impairments, there is no mechanism for recording an IRC of 1. This is due to the fact that IRC 2-5 are tied to specific suspected impairments in the data entry screens. When there are no impairments, as is the case with a fully supported water body, there is no data entry mechanism for IRC 1 within ADB. Therefore, LDEQ assumes in its IR spreadsheet that a blank IRC field for fully supported water bodies is by default IRC 1. If there are water bodies with impairments but no IRC noted, please notify LDEQ so this can be corrected. However, in the interest of clarity and completeness where appropriate LDEQ will add IRC 1 to the final version of the Excel Spreadsheet version of the 2006 Integrated Report.
		6. GRN questions the lack of IR categorization for water bodies reported as having no or insufficient data for making an assessment and requests an explanation for any lack of data.	6. Water bodies or specific designated uses for which LDEQ has no or insufficient data cannot be assessed at this time. Therefore, these water bodies are assigned to IRC 2 as was noted in the IR Rationale. Water quality assessments must be based on valid water quality data representative of conditions in the water body. Water bodies for which no data is available for an assessment cannot have suspected impairments assigned to them because no assessment could be made. As noted in GRN response 5, if a water body does not have suspected impairments associated with it, the ADB system does not permit the assignment of an IRC to the water body. However, in the interest of clarity and completeness, where appropriate LDEQ will add IRC 2 or 3 to the final version of the Excel Spreadsheet version of the 2006

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Gulf Restoration Network (GRN) (Continued)			Integrated Report. With regard to an explanation for the lack of data on some water bodies, in many cases the lack of data is due to the inaccessibility of the water body for timely and safe water quality sampling. In other cases, the water body may have experienced long periods of low water, precluding the collection of samples. Due to the statewide extent of LDEQ's water quality sampling program, samples must be collected as quickly, efficiently, and precisely as possible. This sometimes results in LDEQ's inability to sample certain water bodies. LDEQ is continually working to improve its water quality sampling program in an effort to limit gaps in data collection and assessment; however, there will always be water bodies that cannot be sampled as frequently as the department would prefer.
		7. GRN commented that the draft IR and rationale do not go into enough detail to make significant comments on the 303(d) list. GRN suggested that a table be included to note which subsegments have had a change in IR category in order to allow the public to determine if a water body has been added to or removed from the 303(d) list.	7. As with the 2004 IR the final 2006 IR will contain an appendix listing those water bodies that have been removed from IRC 5 due to full support, thus placing them in IRC 1. There is no regulatory requirement for LDEQ to track changes in IRC determinations, other than to note what is on the § 303(d) list (IRC 5). It is incumbent upon reviewers of the IR, if interested, to note changes in IRC among the various water body subsegments.
		8. GRN states that the conclusion of the IR rationale was inadequate because it does not "include how LDEQ interprets the data that they collected for the IR and what effects this will have on the water quality of the state."	8. Contrary to GRN's comment, the IR rationale does include a detailed description of how Louisiana interprets the water quality data collected for assessment purposes. Pages two through four of the Rationale include a discussion of Louisiana's water quality monitoring program, how the data is stored, and the statistical procedures used to determine water quality assessments. Pages four and five discuss the use of Integrated Report Categories and how these were determined. Page five includes a discussion of how suspected sources of impairment are ascribed to impaired water bodies based on the best professional judgment of regional personnel. Page five also describes the use of EPA's ADB system for tracking water body assessments. As noted in the Rationale and cited by GRN, it is impossible to include a detailed discussion of all the data and information used to assess all the water bodies in Louisiana, which includes 480 regulatory subsegments plus an additional 26 water bodies tracked due to advisories. However, Louisiana did make a concerted effort in the IR Rationale to include a

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Gulf Restoration Network (GRN) (Continued)			detailed description of the process used to derive these assessments. Further information on individual assessments is available as noted in the Rationale.
		9. GRN states "antidegradation must be an integral part of the 303(d) process."	9. Louisiana's water quality standards contain language addressing antidegradation (Louisiana Administrative Code (LAC) §1119.C. 1-4). This implementation procedure states that the antidegradation policy is implemented through the permitting process but also includes a provision for nonpoint source discharges and their potential effects on water quality. As such, antidegradation is taken into account through the TMDL, permitting, nonpoint source pollution control, and enforcement aspects of Louisiana's Water Quality Management Plan. All TMDLs, wasteload allocations, and effluent limitations based upon TMDLs, as well as water-quality-based permit limitations, are consistent with Louisiana's antidegradation policy. It is these provisions and policies of Louisiana's water quality regulations that seek to protect all waters, including those with exceptional water quality, from degradation. Integrated Report assessments represent a culmination of these activities and their cumulative impacts on Louisiana's water bodies. Therefore, antidegradation is accounted for in the 2006 IR rationale and subsequent final 2006 IR.
Lake Pontchartrain Basin Foundation	10/27/2006	1. The Lake Pontchartrain Basin Foundation (LPBF) requests that Lake Pontchartrain west of Highway 11 be removed from the Impaired Water bodies List. (Supporting data was provided.)	1. LDEQ's ambient water quality data for Lake Pontchartrain indicates that the lake is fully supporting the primary contact recreation criteria for fecal coliform (400 MPN/100 mL (Most Probable Number)). For the 2006 IR assessment there were no exceedences of the primary contact criteria. The maximum fecal coliform value for the period at Louisiana's ambient sample site was 40 MPN/100 mL, and the median value was 2.0. As noted by LPBF, the reason Lake Pontchartrain continues to be listed as impaired is due to a swimming advisory along the south shore of the lake. The advisory was established by the Louisiana Department of Health and Hospitals (LDHH) on July 1, 1985. This advisory remains in place at this time and will require discussion between the Louisiana Department of Health and Hospitals and LDEQ to rescind. However, LDEQ agrees with LPBF that the remainder of the lake should be considered fully supported. Therefore, following provisions established in previous reporting cycles for water bodies under fish consumption advisories, the assessment of Lake Pontchartrain (LA041001_00) will be changed to fully supported for all

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Lake Pontchartrain Basin Foundation (Continued)			designated uses. Although a new subsegment is not being created, an additional water body entry will be added to the ADB system. This entry will describe the portion of Lake Pontchartrain currently under a swimming advisory and indicate that this portion is not meeting the designated use of primary contact recreation. All impairment information related to primary contact recreation for the full Lake Pontchartrain subsegment (LA041001_00) will be transferred to this new limited use water body entry. The new entry will be labeled: Lake Pontchartrain South Shore Beaches (LA041001-001).